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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 JUAN CARLOS VERA,

12 Plaintiff,

13 vs.

14 JAMES O'KEEFE, III, et al.,

15 Defendant.

CASE NO. 10cv1422-L (MDD)

CASE MANAGEMENT ORDER  
REGULATING DISCOVERY AND  
OTHER PRETRIAL PROCEEDINGS

16 Pursuant to Rule 16.1 of the Local Rules, a Case Management Conference was held on  
17 June 22, 2011. After consulting with the attorneys of record for the parties and being advised of  
18 the status of the case, and good cause appearing,

19 **IT IS HEREBY ORDERED:**

20 1. A further telephonic Status Conference shall be held **August 31, 2011 at 9:15 a.m.**  
21 Counsel for Plaintiff is instructed to initiate the joint call to the Court at 619-446-3972 or to  
22 arrange a conference call and provide to the Court and all parties a dial-in number no later than  
23 5:00 p.m. August 30, 2011.

24 2. Any motion to join other parties, to amend the pleadings, or to file additional  
25 pleadings shall be ***filed*** on or before *August 1, 2011*.

26 3. The parties shall disclose the identity of their respective experts in writing by  
27 *September 16, 2011*. The date for the disclosure of the identity of rebuttal experts shall be on or  
28 before *October 3, 2011*. The written designations shall include the name, address and telephone

1 number of the expert and a reasonable summary of the testimony the expert is expected to provide.  
2 The list shall also include the normal rates the expert charges for deposition and trial testimony.  
3 **The parties must identify any person who may be used at trial to present evidence pursuant**  
4 **to Fed. R. Evid. 702, 703 and 705, respectively. This requirement is not limited to retained**  
5 **experts.**

6 4. On or before *November 2, 2011*, each party shall comply with the disclosure  
7 provisions in Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure. **This disclosure**  
8 **requirement applies to all persons retained or specifically employed to provide expert**  
9 **testimony or whose duties as an employee of the part regularly involve the giving of expert**  
10 **testimony.**

11 5. Any party shall supplement its disclosure regarding contradictory or rebuttal  
12 evidence under Rule 26(a)(2)(c) on or before *December 2, 2011*.

13 6. **Please be advised that failure to comply with this section or any other**  
14 **discovery order of the court may result in the sanctions provided for in Fed.R.Civ.P.37**  
15 **including a prohibition on the introduction of experts or other designated matters in**  
16 **evidence.**

17 7. All discovery, including experts, shall be completed by all parties on or before  
18 *January 4, 2012*. "Completed" means that all discovery under Rules 30-36 of the Federal Rules of  
19 Civil Procedure, and discovery subpoenas under Rule 45, must be initiated a sufficient period of  
20 time in advance of the cut-off date, *so that it may be completed* by the cut-off date, taking into  
21 account the times for service, notice and response as set forth in the Federal Rules of Civil  
22 Procedure. Counsel shall promptly and in good faith meet and confer with regard to all discovery  
23 disputes in compliance with Local Rule 26.1(a). All discovery motions shall be filed within 30  
24 days after counsel have met and conferred and reached an impasse with regard to any particular  
25 discovery issue, but in no event shall discovery motions be filed more than 30 days after the close  
26 of discovery.

27 8. A Mandatory Settlement Conference shall be conducted on *January 27, 2012* at  
28 *9:30 a.m.* in the chambers of Magistrate Judge Mitchell Dembin. Counsel shall submit settlement

1 briefs **directly** to chambers and serve copies on all counsel. Plaintiff's brief shall be submitted to  
 2 chambers and served on all counsel no later than *January 23, 2012*. The briefs shall set forth the  
 3 party's statement of the case and the party's settlement position, including the last offer or demand  
 4 made by that party and a separate statement of the offer or demand the party is prepared to make at  
 5 the Settlement Conference. Settlement Conference briefs shall not exceed ten (10) pages in length,  
 6 and shall *not* include exhibits or attachments. All parties and claims adjusters for insured  
 7 defendants and representatives with complete authority to enter into a binding settlement, as well  
 8 as the principal attorney (s) responsible for the litigation, must be present and legally and factually  
 9 prepared to discuss and resolve the case at the Mandatory Settlement Conference. **Any special**  
 10 **arrangements desired in cases where settlement authority rests with a governing body shall**  
 11 **be proposed in advance.**

12 9. All other pretrial motions must be filed on or before *February 1, 2012*. (*In*  
 13 *intellectual property cases, this would include claims construction hearings*. Please be advised that  
 14 counsel for the moving party must obtain a motion hearing date from the law clerk of the judge  
 15 who will hear the motion. Failure to make a timely request a motion date may result in the motion  
 16 not being heard.

17 10. Counsel shall comply with the Pre-trial disclosure requirements of Federal Rule of  
 18 Civil Procedure 26(a)(3) on or before *March 19, 2012*.

19 11. Counsel shall meet and take the action required by Local Rule 16.1 (f) (4) on or  
 20 before *March 26, 2012*.

21 12. Objections to Pre-trial disclosures shall be filed no later than *April 2, 2012*.

22 13. The Proposed Final Pretrial Conference Order required by Local Rule 16.1 (f) (6)  
 23 shall be prepared, served, and lodged on or *before April 2, 2012*. The Pretrial Order shall include a  
 24 summary description of the case that can be read to the jury.

25 14. The final Pretrial Conference is scheduled on the calendar of **Judge Lorenz** on  
 26 ***April 9, 2012 at 11:00 a.m.***. The trial will be scheduled at the Pretrial Conference.


27 15. A post trial settlement conference before a magistrate judge may be held within 30  
 28 days of verdict in the case.

1           16.     The dates and times set forth herein will not be modified except for good cause  
2 shown.

3           17.     Dates and times for hearings on motions should be approved by the Court's clerk  
4 before notice of hearing is served.

5           18.     Briefs or memoranda in support of or in opposition to any pending motion shall not  
6 exceed twenty-five (25) pages in length without leave of a district court judge. No reply  
7 memorandum shall exceed ten (10) pages without leave of a district court judge. Briefs and  
8 memoranda exceeding ten (10) pages in length shall have a table of contents and a table of  
9 authorities cited.

10 DATED: July 10, 2011

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13 Hon. Mitchell D. Dembin  
14 U.S. Magistrate Judge  
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